

David Abrams, Attorney at Law (DA-8126)  
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Tel. 212-897-5821 Fax 212-897-5811

United States District Court  
Southern District of New York

Brown, )  
Plaintiff, )  
- against - ) No. 06 cv 15408 (JSR)  
Continuum Health Partners, Inc. )  
a/k/a St. Luke's Roosevelt Hospital Center, )  
Defendant. )

## AMENDED COMPLAINT

Plaintiff, complaining of the Defendants by her attorney, David Abrams, Attorney at Law, respectfully sets forth and alleges as follows:

## I. Introduction

1. This is an action for unpaid overtime and/or wages under the Fair Labor Standards Act and New York law.

## II. Parties

2. Plaintiff Brown is a natural person residing in the State of New York, County of Bronx.
3. Upon information and belief, defendant Continuum Health Partners, Inc. a/k/a St. Luke's Roosevelt Hospital Center (the "Employer") is a business corporation with a principal place of business at 1111 Amsterdam Avenue, New York, NY 10025.

**III. Venue & Jurisdiction**

5. Venue in the Southern District of New York is appropriate pursuant to 28 U.S.C. Section 1391(b)(2) in that a substantial part of the events giving rise to this action took place in the Southern District of New York.

6. Subject matter jurisdiction over this action exists pursuant to 28 U.S.C. Sections 1331 and 1337 in that a claim is made that arises under the laws of the United States, specifically the Fair Labor Standards Act.

7. Personal jurisdiction exists over the Employer in that this action arises from its activities in New York, specifically the employment of the Plaintiff.

**IV. Background**

8. Upon information and belief, the Employer is engaged in a medical services business.

9. Ms. Brown was employed by the Employer, including any predecessors in interest.

10. Ms. Brown was not paid a proper overtime premium for work in excess of 40 hours per week and was not paid proper wages.

**V. Causes of Action and Demand for Relief**

Count One: Violation of the Fair Labor Standards Act

11. The allegations contained in paragraphs 1 through 10 are incorporated as if restated herein.

12. Plaintiff was an employee of the Employer within the meaning of the Fair Labor Standards Act.

13. Upon information and belief, the Defendant was an employer within the meaning of the Fair Labor Standards Act and subject to the same Act.

14. The Employer violated the Fair Labor Standards Act in that it did not properly compensate plaintiff for the overtime she worked.

Count II: Violation of New York Law

15. The allegations contained in paragraphs 1 through 14 are incorporated as if restated herein.

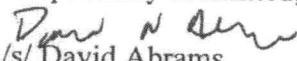
16. Ms. Brown was an employee of the Employer within the meaning of New York Wage Regulations, specifically N.Y.C.R.R. Labor Section 138 et seq.

17. The Employer was an employer within the meaning of those same regulations.

18. The Employer violated the above regulations and or State Law in that it did not properly compensate Ms. Brown for the overtime hours she worked and/or pay her proper wages for the work she performed.

WHEREFORE Ms. Brown demands judgment against the Employer in the amount of her unpaid compensation and overtime, lost wages, together with liquidated and other multiple damages, costs, fees, interest, and such other and further relief that the Court deems just.

Respectfully submitted,

  
/s/ David Abrams

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David Abrams (DA-8126)  
Attorney for Plaintiff  
Brown

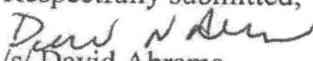
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Dated: New York, NY  
January 8, 2007

#### VI. Demand for Jury Trial

Plaintiff demands a jury trial on all issues so triable.

Respectfully submitted,

  
/s/ David Abrams

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David Abrams (DA-8126)  
Attorney for Plaintiff  
Brown

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### **Return of Service**

I, David Abrams, served copies of the Summons, Complaint, Amended Complaint, and Notice of Court Conference in this matter upon the Defendant as follows: by delivering copies to Lorraine Hennessey (Caucasian female, 5'8", 130 lbs., red hair, brown eyes) and Joe Donogan (Caucasian male, 5'11", 195 lbs., gray hair, blue eyes) at the office of Defendant at 390 West 114th Street, New York, New York at 10:35 am on January 9, 2007. I declare under penalty of perjury that the foregoing information is true and correct.

Respectfully submitted,  
*Don N. Abr*  
/s/ David Abrams

David Abrams (DA-8126)

Dated: January 16, 2007  
New York, New York